

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division
In Admiralty

NORFOLK AND PORTSMOUTH BELT)	
LINE RAILROAD COMPANY,)	
)	
Plaintiff,)	
)	
and)	
)	
EVANSTON INSURANCE COMPANY,)	Civil Action 2:24-cv-00407-EWH-LRL
)	
Intervening Plaintiff,)	
)	
v.)	
)	
M/T MACKENZIE ROSE, et al,)	
)	
Defendants.)	

WAIVER OF THE SERVICE OF SUMMONS

To: Zachary M. Jett, Esq.
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the intervening complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

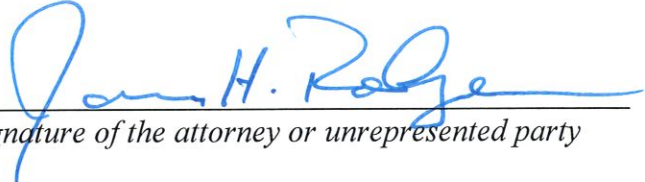
I, or the entity I represent, agree to save the expense of service a summons and intervening complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of this action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or motion under Rule 12 within 60 days from October 3, 2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 10/3/24

M/T MacKenzie Rose
Coeymans Marine Towing, LLC
Carver Marine Towing, LLC
Printed name of parties waiving service of summons


Signature of the attorney or unrepresented party

James H. Rodgers
Printed name

Clyde & Co US LLP
The Chrysler Building, 16th Floor
New York, New York 10174
Address

james.rodgers@clydeco.us
E-Mail address

(212) 702-6771
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by the plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.